

EXHIBIT 12

FILED UNDER SEAL

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GOOGLE LLC;)
)
Plaintiff,)
)
vs.) Case No.
) 3:20-cv-06754-WHA
SONOS, INC.;)
)
Defendant.)

SONOS, INC.;)
)
Plaintiff,)
)
vs.) Case No.
) 3:21-cv-07559-WHA
GOOGLE LLC;)
)
Defendant.)

HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY, SOURCE CODE

30(B)(6) WITNESS FOR GOOGLE & 30(B)(1)
VIDEOTAPED REMOTE DEPOSITION OF TAVIS MACLELLAN
Richmond, California
Friday, November 11, 2022

Reported by:
Lynda L. Fenn, CSR, RPR
CSR No. 12566
JOB No. 5577014

1 Richmond, California

2 Friday, November 11, 2022

3 9:03 a.m. - 3:45 p.m.

4

5

6

7 THE VIDEOGRAPHER: Good morning. We're 09:03:10

8 going on the record at 9:03 a.m. on November 11th, 09:03:12

9 2022.

10 This is media unit one of the 09:03:16

11 video-recorded deposition of Tavis Maclellan, and 09:03:18

12 Tavis Maclellan is a 30(b)(6) witness for Google 09:03:21

13 taken by counsel for plaintiff, slash, defendant in 09:03:26

14 the matter of Sonos, Inc., versus Google filed in the 09:03:29

15 United States District Court for the Northern 09:03:33

16 District of California. The case number is 09:03:36

17 3:20-cv-06754-WHA and related case number is 09:03:45

18 3:21-cv-07559-WHA.

19 This deposition is being conducted remotely 09:03:53

20 using virtual technology. 09:03:55

21 My name is Jeff Nichols from the firm 09:03:57

22 Veritext Legal Solutions and I am the videographer. 09:04:01

23 The court reporter is Lynda Fenn from the firm 09:04:03

24 Veritext Legal Solutions. 09:04:07

25 Counsel will now please state their 09:04:08

Page 5

1 appearances and affiliations for the record. 09:04:10

2 MR. BOYEA: Michael Boyea from Lee, 09:04:14

3 Sullivan, Shea & Smith on behalf of Sonos. 09:04:20

4 MR. KAPLAN: This is Marc Kaplan from Quinn 09:04:21

5 Emanuel Urquhart & Sullivan on behalf of Google and 09:04:28

6 the witness and with me today is Patrick Weston from 09:04:31

7 Google. 09:04:38

8 THE VIDEOGRAPHER: Thank you. 09:04:39

9 Will the court reporter please swear in the 09:04:40

10 witness. 09:04:57

11 THE COURT REPORTER: Mr. Maclellan, please 09:04:57

12 raise your right hand. 09:04:59

13

14 TAVIS MACLELLAN,

15 produced as a witness on behalf of the

16 Plaintiff/Defendant, and having been first duly

17 sworn, was examined and testified as follows:

18

19 EXAMINATION

20 BY MR. BOYEA:


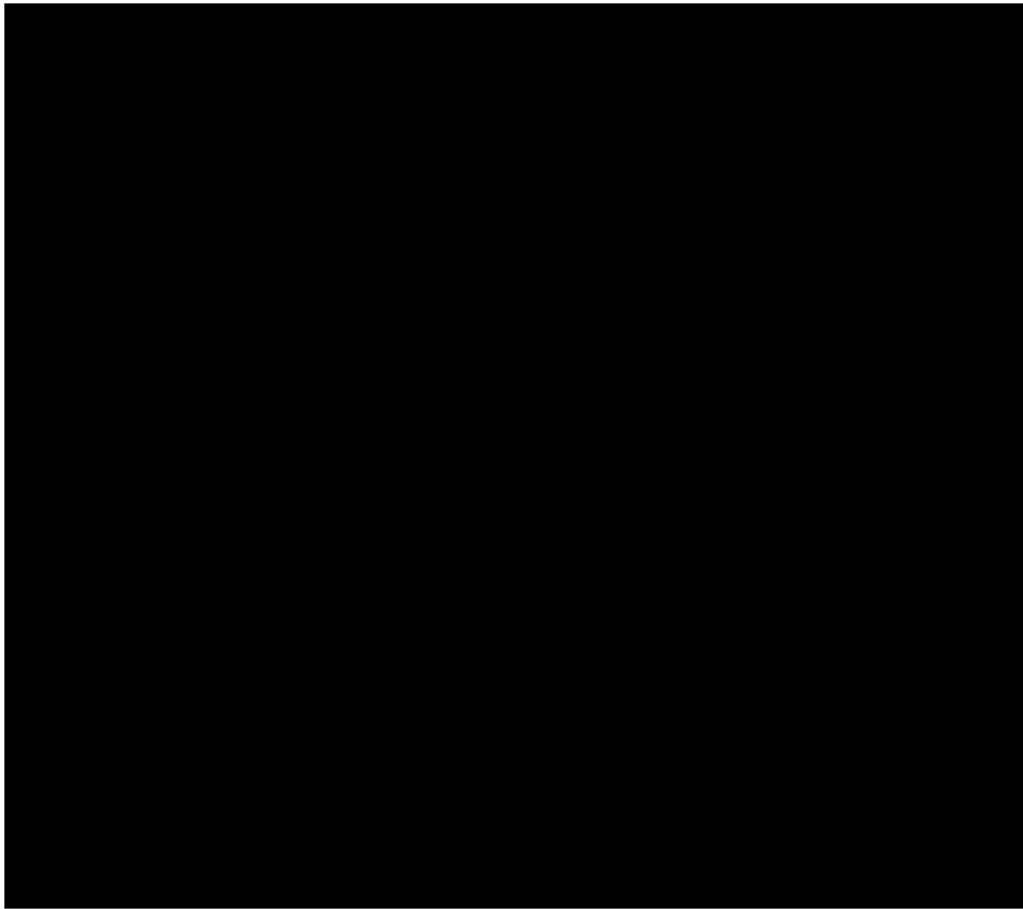
21 Q Good morning, please state and spell your 09:05:02



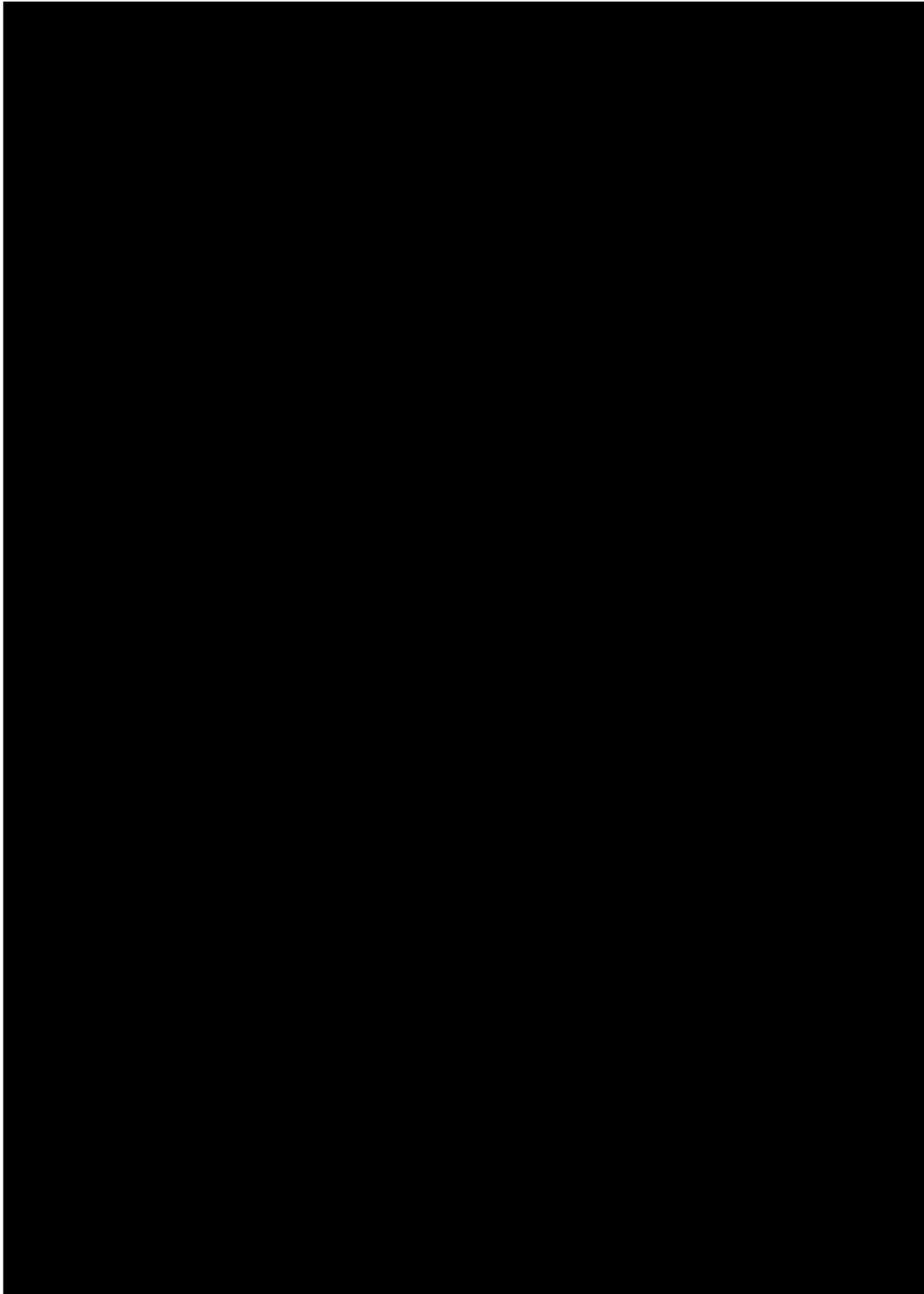
22 name for the record? 09:05:05

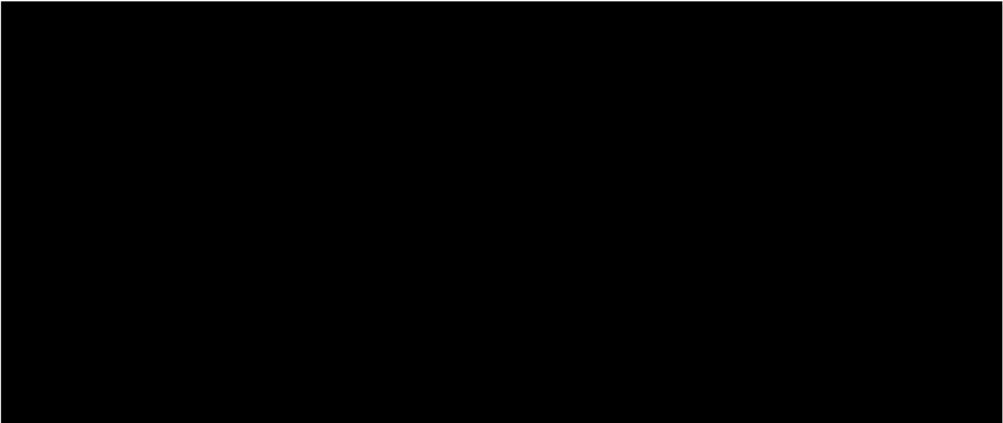
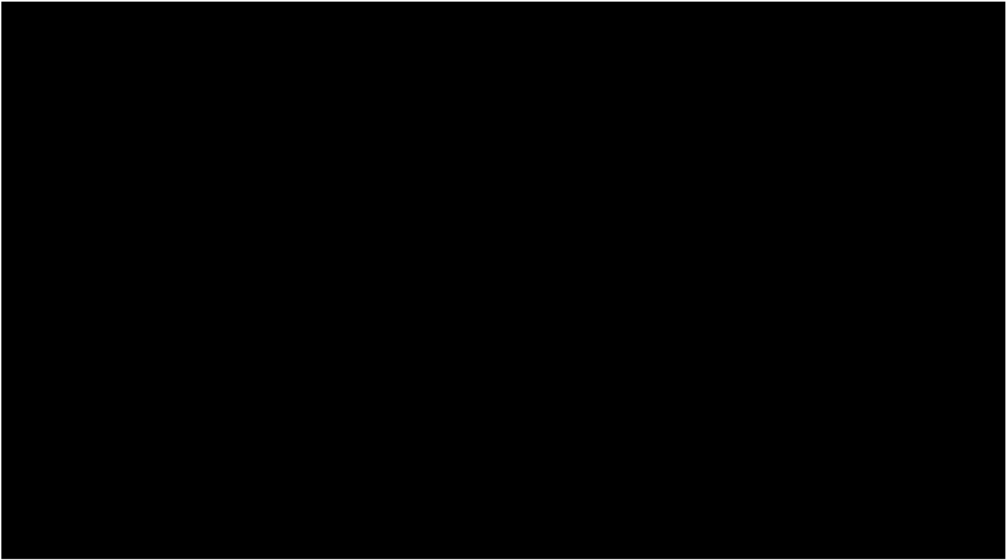

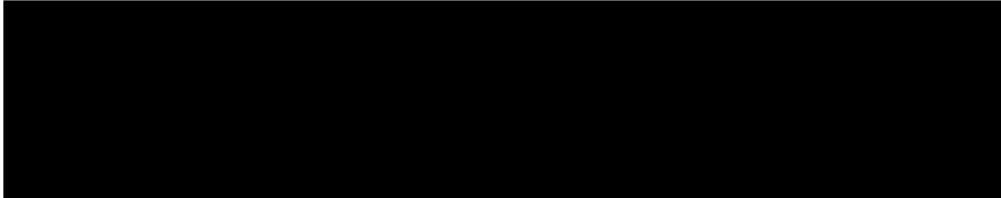
23 A My name is Tavis Maclellan, first name 09:05:05

24 Tavis, T-a-v-i-s, last name Maclellan, 09:05:07

25 M-a-c-l-e-l-l-a-n. 09:05:13

1	BY MR. BOYEA:	09:41:34
2	Q Well, yeah, you -- so we were talking about	09:41:35
3		09:41:37
4		09:41:40
5		09:41:45
6		09:41:47
7		09:41:50
8		09:41:53
9	A Uh-huh.	09:41:55
10		09:41:57
11		09:41:59
12		09:42:03
13		09:42:07
14		09:42:10
15		09:42:12
16		09:42:16
17		09:42:19
18		09:42:23
19		09:42:25
20		09:42:28
21		09:42:32
22		09:42:35
23	Q Okay.	09:42:46
24	So other than a hub do you know is stream	09:42:47
25	transfer -- let me strike that.	09:42:50

1	A At a high level or are you asking, like,	10:42:09
2		10:42:12
3		10:42:13
4	A I mean, I can run through the --	10:42:15
5	Q Sure. Yeah, that would be great.	10:42:20
6		10:42:25
7		10:42:31
8		10:42:35
9		10:42:40
10		10:42:44
11		10:42:46
12		10:42:48
13		10:42:54
14		10:42:57
15		10:42:58
16		10:43:04
17		10:43:08
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20		10:43:19
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23		10:43:37
24		10:43:41
25		10:43:43

1	your question was?	11:36:47
2	Q Yeah.	11:36:48
3		11:36:48
4		11:36:53
5		11:36:57
6		11:37:01
7		11:37:05
8		11:37:14
9	MR. KAPLAN: Object to form.	11:37:15
10	THE WITNESS: So, like I said, there are	11:37:18
11		11:37:21
12		11:37:28
13		11:37:31
14		11:37:35
15		11:37:38
16		11:37:41
17		11:37:43
18		11:37:47
19	BY MR. BOYEA:	11:37:55
20	Q So do you have any understanding of the	11:37:55
21		11:37:57
22	MR. KAPLAN: Object to form.	11:38:08
23		11:38:09
24		11:38:15
25		11:38:19

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MR. BOYEA: Okay.

13:37:40

9

BY MR. BOYEA:

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13:37:58

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13:38:01

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13:38:09

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13:38:11

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Q Okay. So, let me just summarize where

13:38:25

25

we're at, because I know you think we're going to

13:38:27

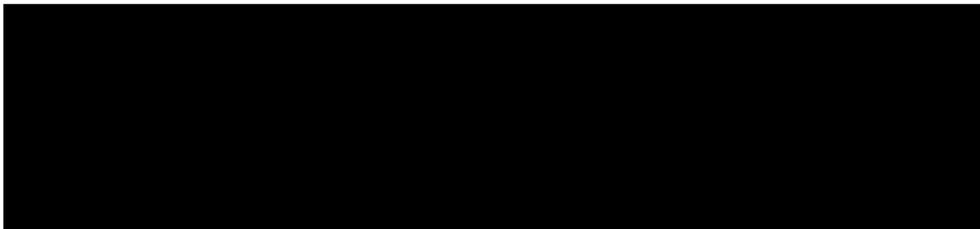
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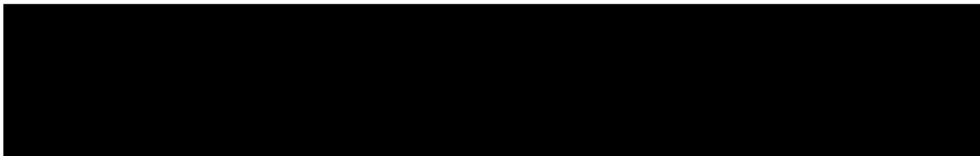


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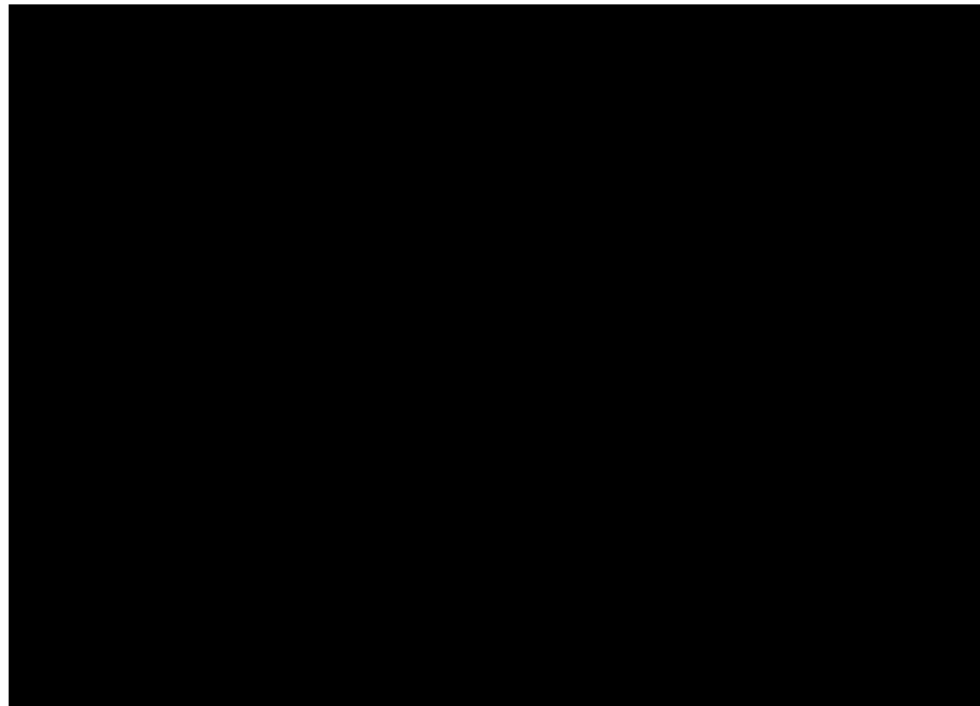
MR. KAPLAN: Object to form.



BY MR. BOYEA:

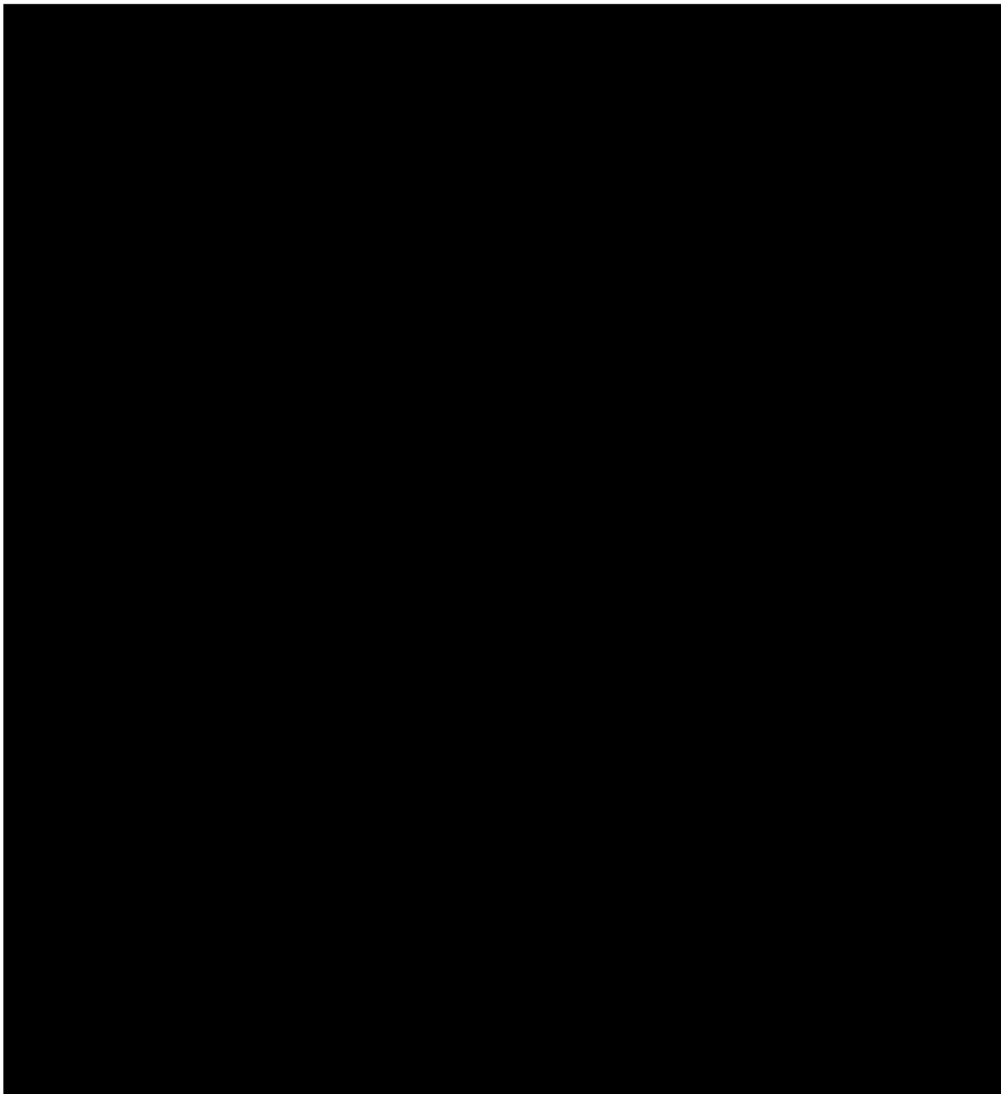


MR. KAPLAN: Object to form.



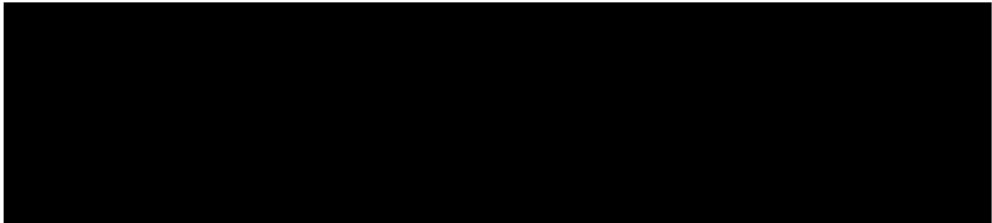
MR. KAPLAN: Object to form.

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MR. KAPLAN: Same objection.



MR. BOYEA: Correct. Okay.

Now is a good time to take a break if you
want and then we can continue after.

MR. KAPLAN: That's fine.

MR. BOYEA: We can keep going, it's up to

1	you, Mr. Maclellan.	13:40:41
2	THE WITNESS: No, we can take a short	13:40:42
3	break.	13:40:44
4	MR. BOYEA: Five or ten minutes again?	13:40:45
5	THE WITNESS: Let's do ten minutes.	13:40:46
6	MR. BOYEA: Perfect. Okay.	13:40:48
7	THE VIDEOGRAPHER: We are going off the	13:40:49
8	record. The time is 1:40 p.m.	13:40:50
9	(Brief interruption in proceedings.)	13:55:07
10	THE VIDEOGRAPHER: We are back on record.	13:55:07
11	The time is 1:55 p.m.	13:55:09
12	BY MR. BOYEA:	13:55:12
13	Q Welcome back, Mr. Maclellan.	13:55:13
14	[REDACTED]	13:55:14
15	[REDACTED]	13:55:16
16	[REDACTED]	13:55:19
17	[REDACTED]	13:55:24
18	A Okay. I'm there.	13:55:32
19	MR. BOYEA: And for the record, this is	13:55:34
20	[REDACTED]	13:55:35
21	[REDACTED]	13:55:37
22	BY MR. BOYEA:	
23	[REDACTED]	13:55:39
24	[REDACTED]	13:55:42
25	[REDACTED]	13:55:46

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[REDACTED]

MR. KAPLAN: Object to form.

[REDACTED]

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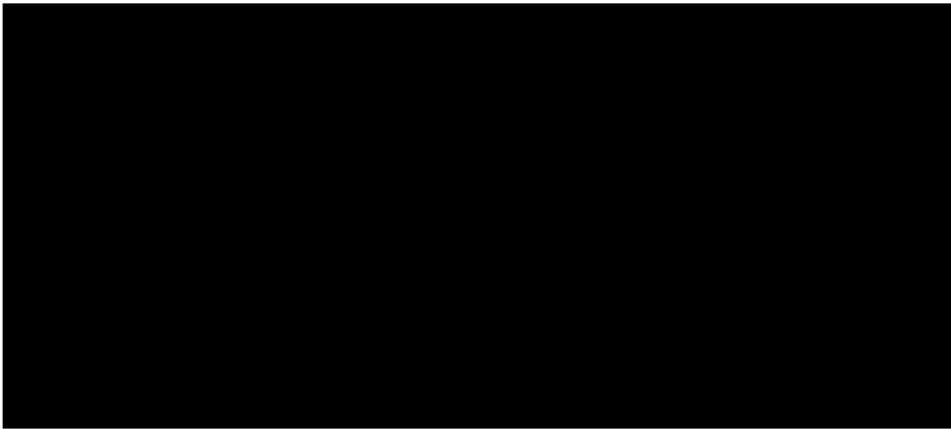
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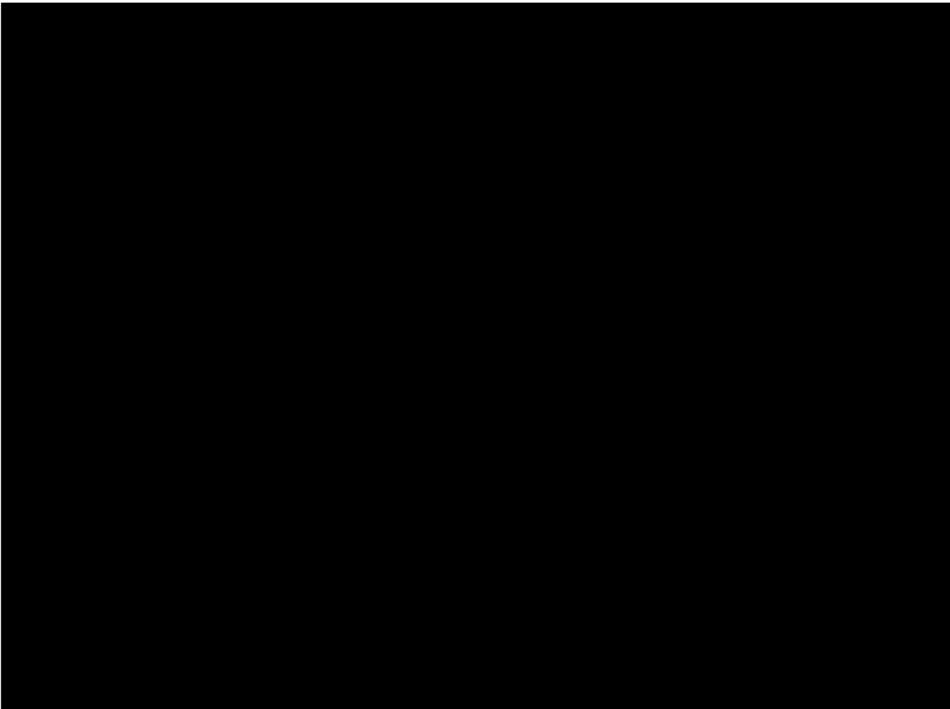
MR. BOYEA: Okay.

BY MR. BOYEA:

Q All right.



MR. KAPLAN: Object to form.



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HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY, SOURCE CODE

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[REDACTED]

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MR. BOYEA: Okay.

BY MR. BOYEA:

[REDACTED]

Is that effectively what's happening?

MR. KAPLAN: Object to form.

[REDACTED]

MR. BOYEA: I see.

[REDACTED]

1	[REDACTED]	14:03:08
2	[REDACTED]	14:03:13
3	Q I see. All right.	14:03:16
4	[REDACTED]	14:03:18
5	[REDACTED]	14:03:20
6	[REDACTED]	14:03:24
7	[REDACTED]	14:03:30
8	A Sorry, I'm still looking. I think I might	14:04:07
9	know where it is.	14:04:09
10	Q No worries.	14:04:10
11	[REDACTED]	14:04:22
12	[REDACTED]	14:04:23
13	[REDACTED]	14:04:28
14	[REDACTED]	14:04:34
15	[REDACTED]	14:04:38
16	[REDACTED]	14:04:41
17	[REDACTED]	14:04:43
18	[REDACTED]	14:04:46
19	[REDACTED]	14:04:48
20	[REDACTED]	14:04:53
21	MR. BOYEA: Correct.	14:04:55
22	MR. KAPLAN: I'm actually still pulling it	14:04:55
23	up too.	14:04:57
24	BY MR. BOYEA:	14:05:02
25	Q So, Mr. Maclellan, I understand --	14:05:03

1 method and that's going to be -- your file is going 14:10:12
2 [REDACTED] 14:10:16
3 [REDACTED] 14:10:29
4 [REDACTED] 14:10:32
5 MR. BOYEA: Yeah. 14:10:33
6 MR. KAPLAN: Okay. Give us just a second. 14:10:34
7 MR. BOYEA: Uh-huh. 14:10:36
8 THE WITNESS: I have it opened, though. 14:10:37
9 MR. BOYEA: Perfect. And for the record, 14:10:39
10 [REDACTED] 14:10:41
11 [REDACTED] 14:10:46
12 [REDACTED] 14:10:51
13 Let me know once you are there, Marc. 14:10:53
14 MR. KAPLAN: Almost. 14:10:56
15 Okay. Yeah. 14:11:09
16 MR. BOYEA: All right. 14:11:11
17 BY MR. BOYEA:
18 Q Mr. Maclellan, if you could just help me 14:11:12
19 [REDACTED] 14:11:14
20 [REDACTED] 14:11:16
21 [REDACTED] 14:11:19
22 [REDACTED] 14:11:23
23 MR. KAPLAN: Object to form. Scope. 14:11:26
24 [REDACTED] 14:11:28
25 [REDACTED] 14:11:30

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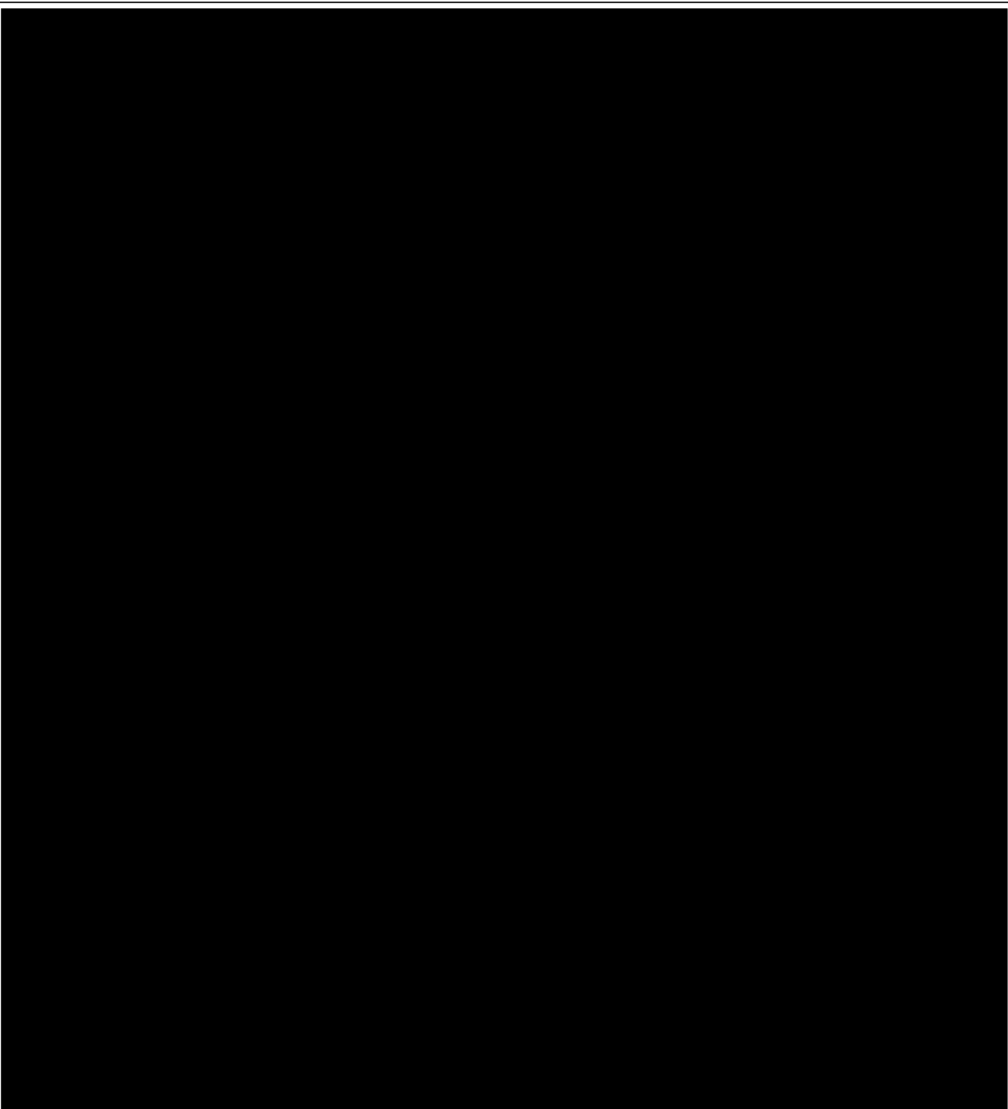
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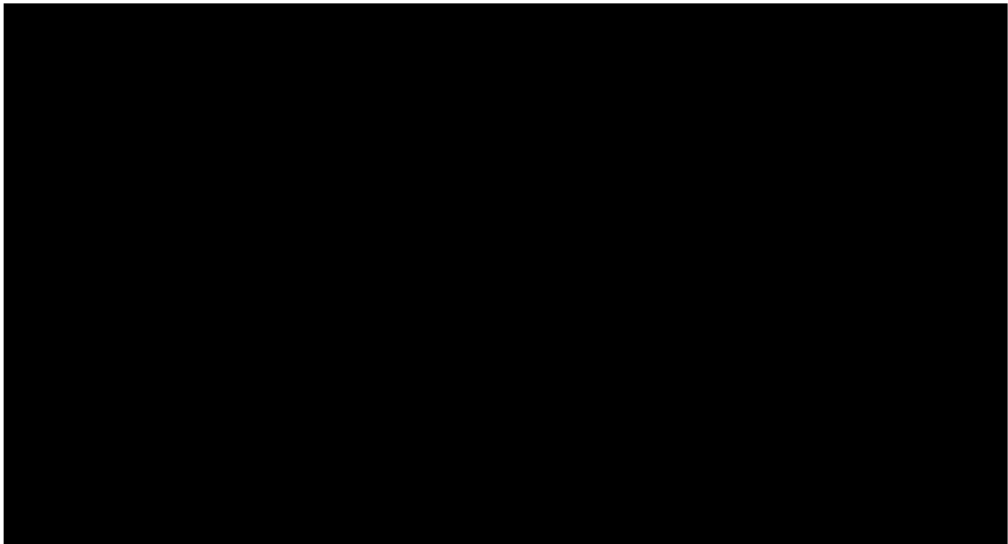
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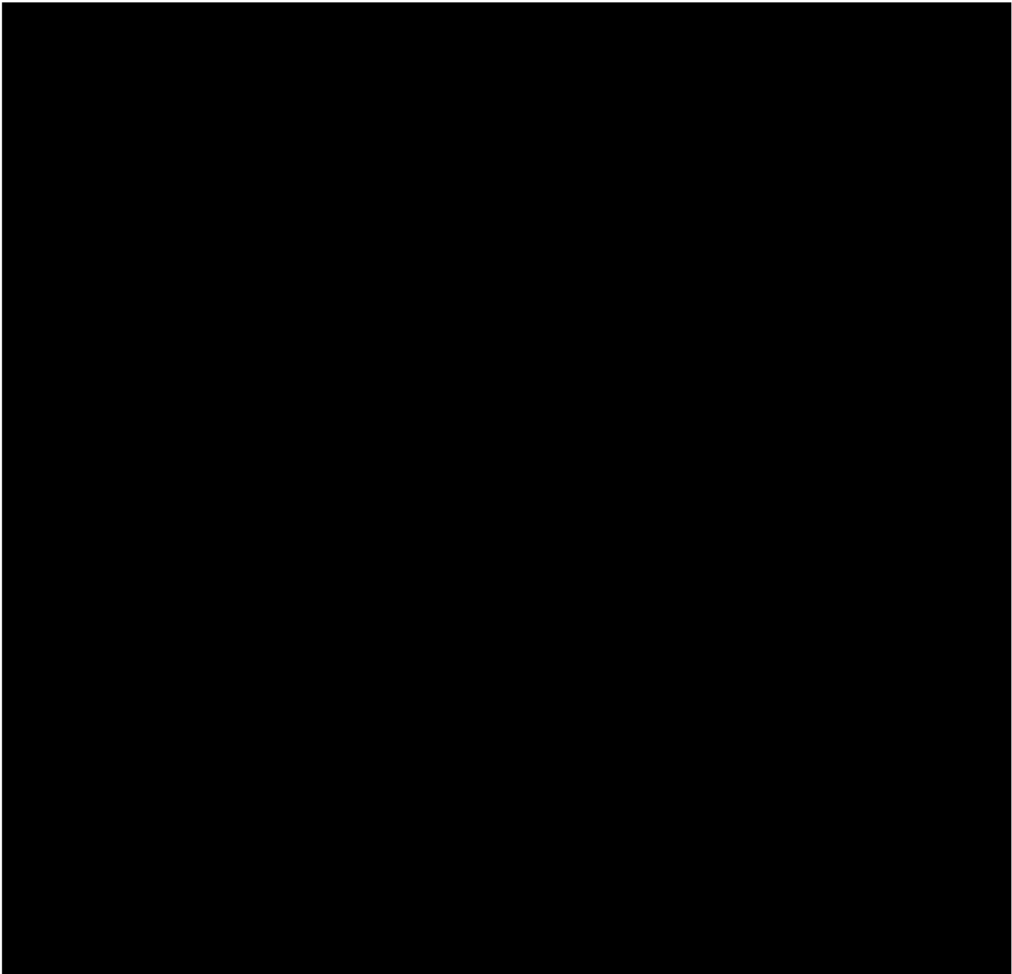
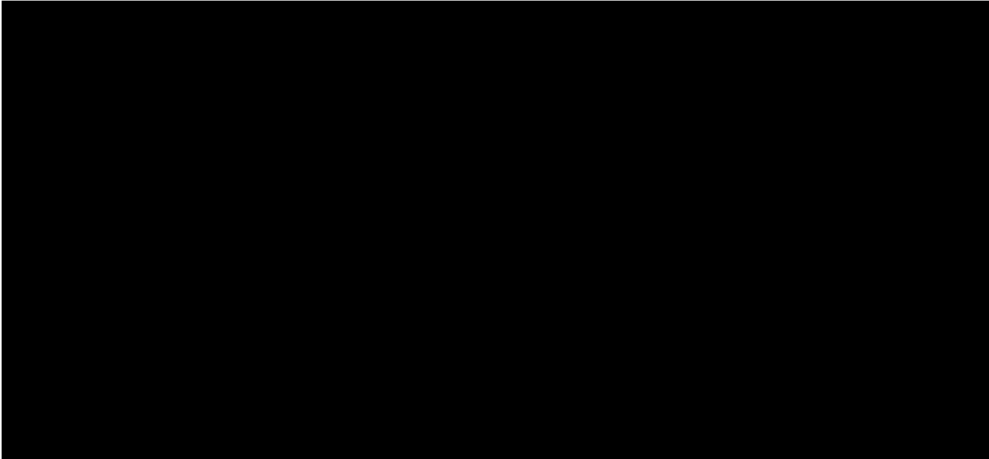


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14:29:01
14:29:03
14:29:05
14:29:10
14:29:11
14:29:14
14:29:18
14:29:20
14:29:21
14:29:24
14:29:27

MR. BOYEA: That makes sense.

BY MR. BOYEA:



1	MR. KAPLAN: Object to form.	14:29:31
2		14:29:31
3		
4		14:29:38
5		14:29:41
6		14:29:44
7		14:29:48
8		14:29:51
9		14:29:53
10		14:29:56
11		14:30:00
12		14:30:01
13		14:30:03
14		14:30:08
15		14:30:11
16	MR. BOYEA: I see. I see. Okay.	14:30:15
17	BY MR. BOYEA:	
18	Q So shifting gears a little bit, the first	14:30:17
19		14:30:19
20		14:30:22
21		14:30:25
22		14:30:28
23		14:30:31
24		14:30:37
25		14:30:42

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF LOS ANGELES)

4 I, Lynda L. Fenn, Certified Shorthand
5 Reporter No. 12566 for the State of California, do
6 hereby certify:

7 That prior to being examined, the witness named
8 in the foregoing deposition was duly sworn to testify
9 the truth, the whole truth, and nothing but the
10 truth;

11 That said deposition was taken down by me in
12 shorthand at the time and place therein named and
13 thereafter reduced by me to typewritten form and that
14 the same is a true, correct, and complete transcript
15 of said proceedings.

16 Before completion of the deposition, review of
17 the transcript [X] was [] was not requested. If
18 requested, any changes made by the deponent (and
19 provided to the reporter) during the period allowed
20 are appended hereto.

21 I further certify that I am not interested in
22 the outcome of the action.

23 Witness my hand this 16th day of November, 2022.

24 

25 Lynda L. Fenn, CSR, RPR